IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 29257 of 2006(G)

PETITIONERS:
----

1. P.N.SANKARAPILLAI, POTHNIKUZHIYIL HOUSE, KOLANI KARA, THODUPUZHA VILLAGE, THODUPUZHA.

2. P.S.SUDEESH, S/O.P.M.SANKARA PILLAI, AGED 36, DO. DO.

BY ADV. SRI.K.R.SUNIL

RESPONDENTS:
----

1. THE SECRETARY, THODUPUZHA MUNCIPALITY, THODUPUZHA.

2. THE TAHASILDAR, TALUK OFFICE, THODUPUZHA.

BY SRI.P.K.SOUYUZ, THODUPUZHA MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 29257/2006

APPENDIX

PETITIONERS EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 03.10.2006.

EXHIBIT P2: TRUE COPY OF THE REQUEST DATED 16.10.2006, SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 20.10.2006.

EXHIBIT P4: TRUE COPY OF THE REQUEST DATED 30.10.2006, SUBMITTED BEFORE THE 1ST RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE REQUEST DATED 04.11.2006, SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE LETTER NO.K.3/22413/2006, DATED 04.11.2006, ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P7: TRUE COPY OF THE ORDER DATED 04.11.2006 ISSUED BY THE 1ST RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

PIUS C.KURIAKOSE,J.

W.P.(C) NO. 29257 OF 2006

Dated this the 11th day of December, 2006

J U D G M E N T

Heard both sides.

2. The 1st respondent Municipality directed the petitioner to produce a sketch prepared on the basis of a survey of the properties so that the Municipality could comply with the directions of the Tribunal with regard to the regularisation application submitted by the petitioner. The petitioner accordingly approached the 2nd respondent Tahsildar by Exhibits P2, P3 and P4 applications. The Additional Tahsildar has issued Exhibit P6 letter to the petitioner in response to the applications. According to Exhibit P6, the Taluk Surveyor will require more than a months time for conducting the measurement and for issuing the sketch. Exhibit P6 is dated 04.11.2006. Counsel for the petitioner submits that so far the sketch has not been given by the 2nd respondent. Under these circumstances, I am of the view that the writ petition itself can be disposed of with the following directions.

3. The 2nd respondent will issue necessary directions to

the Taluk Surveyor concerned and ensure that the petitioner receives the sketch applied for at the earliest and at any rate within two months of petitioner producing a copy of this judgment before the 2nd respondent. Once the petitioner receives the sketch, he will place the same before the 1st respondent Municipality and the Municipality will pass final orders on the application for regularisation on the basis of that sketch and other relevant materials, if any.

4. In view of the above directions, Exhibit P7 is quashed giving liberty to the 1st respondent-Municipality to pass fresh orders on the issue, once sketch is produced by the petitioner.

Writ petition is disposed of as above.

PIUS C.KURIAKOSE, JUDGE

Rp